

contents; and, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use.

Further misbranding, Section 502 (b) (1), the repackaged *racemic amphetamine sulfate tablets* and *Seconal Sodium capsules* failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor; and Section 502 (e) (1), the repackaged *racemic amphetamine sulfate tablets* and *diethylstilbestrol tablets* and a portion of the repackaged *dextro-amphetamine sulfate tablets* failed to bear labels containing the common or usual name of the drugs.

Further misbranding, Section 502 (d), the repackaged *Seconal Sodium capsules* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the label of the repackaged capsules failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

DISPOSITION: September 18, 1952. A plea of guilty having been entered, the court imposed a fine of \$750, plus costs.

**3783. Misbranding of Mer-I-Col iron tonic. U. S. v. 58 Bottles \* \* \* (and 4 other seizure actions).** (F. D. C. Nos. 33193, 33210, 33212 to 33214, incl., 33218. Sample Nos. 1649-L, 2393-L, 2394-L, 4684-L, 4686-L, 4688-L, 7711-L.)

**LIBELS FILED:** On or about April 21, 28, and 29, and May 5, 1952, Western District of Pennsylvania, Northern and Middle Districts of Georgia, and Southern District of West Virginia.

**ALLEGED SHIPMENT:** On or about February 8, 11, 22, and 29, and March 6, 24, and 27, 1952, by the National Mer-I-Col Sales Co., from Columbus, Ohio.

**PRODUCT:** 706 8-ounce bottles and 222 16-ounce bottles of *Mer-I-Col iron tonic* at Bradford, Pa., Rome and Columbus, Ga., and Charleston and Huntington, W. Va.

**RESULTS OF INVESTIGATION:** Various representations concerning the conditions for which the product was intended were published in advertisements in local newspapers at the places where the product was located. These advertisements were printed on instructions of, and from mats furnished by, the National Mer-I-Col Sales Co.

**LABEL, IN PART:** (Bottle) "Mer-I-Col Iron Tonic \* \* \* Active Ingredients Iron and Ammonium Citrates, Gentian Root, Thiamine Hydrochloride and a trace of Copper Sulfate (Iron Catalyst) Directions One tablespoonful before each meal, three times a day."

**NATURE OF CHARGE:** Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use in the treatment of rheumatism, arthritis, neuritis, stomach ailments, weak kidneys, rheumatic pains, nervousness, headaches, acids, toxins, bloating, weak back, lumbago, leg pains, lack of vitality and energy, poor appetite, underweight, dizzy spells, indigestion, stomach gas, dyspepsia, intense pain in stomach and chest, wild heart palpitation, fire-like feeling from the throat to the pit of the stomach, loss of weight, tissue, and strength, sour stomach, cramps, spitting up bits of half-digested food and hot, sour liquid, biliousness, sick headaches that last for days, constipation, yellowish complexion, painful, heavy, bloated feeling in the lower stomach, worn-out feeling, sleeplessness, neuralgia, sharp pain over kidneys,

aching back, stiffness in back and lower limbs, frequent rising at night, spots before the eyes, swelling of ankles, feet, and lower limbs, puffs or dark circles underneath the eyes, atonic constipation, spastic constipation, and pains in the arms, shoulders, fingers, hands, back, wrists, hips, knees, calves, thighs, feet, ankles, and neck, which were the conditions for which the article was intended. The article was misbranded in the above respect when introduced into and while in interstate commerce.

Further misbranding Section 502 (a), the labeling of the portion of the product at Columbus, Ga., namely, a clipping which was from a local newspaper and which accompanied the article, was false and misleading. The labeling contained statements which represented and suggested that the article was an effective treatment for the conditions referred to above. The article was not effective for such purposes. The article was misbranded in this respect while held for sale after shipment in interstate commerce.

DISPOSITION: Between May 15 and August 22, 1952. Default decrees of condemnation and destruction.

3784. Misbranding of herb preparations. U. S. v. 29 Bottles, etc. (F. D. C. No. 33201. Sample Nos. 8970-L to 8975-L, incl.)

LIBEL FILED: On or about April 29, 1952, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about November 24, 1950, and February 26, April 24, May 25, and June 13, 1951, by the Indiana Botanic Gardens, from Hammond, Ind.

PRODUCT: 29 bottles of *Old Chief's prostate treatment*, 13 bottles of *Old Chief's nerve special*, 26 cartons of *Old Chief's Indian gall bladder herb tea*, 10 cartons of *Old Chief's Indian high blood pressure herb tea*, 6 cartons of *Old Chief's Indian reducing obesity herbs*, and 10 packages of *Old Chief's Indian laxative herb tea* at Detroit, Mich., in possession of the Old Chief Medicine Co.

RESULTS OF INVESTIGATION: The products were shipped in bulk and were repackaged and relabeled by the consignee.

LABEL, IN PART: (Bottles) "The Old Chief's Prostate Treatment \* \* \* Active Ingredients: An Infusion of Palmetto Berries, Damiana, Juniper Berries, Bearberry Leaves, Corn Silk, Althea. Contents: 16 fl. ounces" and "The Old Chief's Nerve Special Active Ingredients: Valerian Root, Lady Slipper, Black Cohosh, Skunk Cabbage, Catnip, Hops, Black Haw, Alcohol 10 percent."

(Cartons) "Old Chief's Indian Gall Bladder Herb Tea \* \* \* Active Ingredients: Wallwort, Flaxseed, Boneset, Buckthorn, Marshmallow. Contents: 8 Oz. Adv.," "Old Chief's Indian High Blood Pressure Herb Tea \* \* \* Active Ingredients: Mistletoe, Marshmallow, Sassafras, Licorice. Contents: 8 Oz. Adv.," "Old Chief's Indian Reducing Obesity Herbs \* \* \* Active Ingredients: Sassafras, Elder Flowers, Rosemary, Chickweed, Horsetail Grass, Poke Root, Yerba Santa, Juniper, and Licorice," and "Old Chief's Indian Laxative Herb Tea \* \* \* Active Ingredients: Buckthorn, Licorice, Senna Sagrada, Senna Tinneville, and Cascara Alexandria. Contents: 7 Oz., Adv."

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements on the labels of the articles were false and misleading since the articles were not effective for the purposes and conditions stated and implied and since frequent or continued use of *Old Chief's Indian laxative herb tea* was capable of establishing dependence upon laxatives to move the bowels: (29-bottle lot) "Prostate Treatment This preparation \* \* \* used for Prostate weakness. Increases the functional activity"; (13-bottle lot) "Nerve Special"; (26-carton